

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1811 NJC	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. CT/NZ2004/000246	International filing date (day/month/year) 8 October 2004	(Earliest) Priority Date (day/month/year) 8 October 2003	
Applicant FISHER & PAYKEL HEALTHCARE LIMITED et al			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets:

☐ It is also accompanied by a copy of each prior art document cited in this report.

Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

☒ Certain claims were found unsearchable (See Box No. II).

☐ Unity of invention is lacking (See Box No. III).

With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 2

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☒ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

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x No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

☒ Claims Nos.: 5
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
There is some ambiguity over what Claim 5 is defining and hence a search cannot be performed for this claim.

☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

x No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest.

☐ No protest accompanied the payment of additional search fees.

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x No. IV Text of the Abstract (Continuation of item 5 of the first sheet)

user interface (22) with headgear (29) is disclosed where a flexible conduit (24) supplies gases to the patient interface and the conduit is connected to the headgear by a sliding connection or support portion (26). In one form headgear may include a transverse strap which the conduit is attached to. In other forms various sliding straps constrain the conduit such that forces on the conduit are transferred to the headgear not the interface. Interface vertical height and angular adjustment are also disclosed.

CLASSIFICATION OF SUBJECT MATTER

Int. Cl. 7: A61M 16/06, A62B 18/02

According to International Patent Classification (IPC) or to both national classification and IPC

FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

WPI - IPC A61M, A62B & Keywords (Breath+, mask, headgear, conduit, support, adjust+) and like terms

DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 1998048878 A2 (MORGENSTERN et al.) 5 November 1998 Figures 1A, 1B, 1C	1-4, 6-35
X	WO 1998024499 A1 (RESMED LIMITED) 11 June 1998 Figures 1-3	1-4, 6-35
A	US 5662101 A (OGDEN et al.) 2 September 1997 Figures 1-3, 6-8	
X	WO 1982003548 A1 (SOMED PTY LTD) 28 October 1982 Figures 1-2	1-4, 6-35

☒ Further documents are listed in the continuation of Box C ☒ See patent family annex

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
5 November 2004


Date of mailing of the international search report

23 DEC 2004

Name and mailing address of the ISA/AU

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(Continuation): DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/0026934 A1 (LITHGOW et al.) 7 March 2002 Figure 1; Page 1, Paragraph 0006	1-4, 6-35
X	AU 200071882 A1 (McCUDDEN) 7 June 2001 Figure 2	1-4, 6-35
P, X	US 2004/0035427 A1 (BORDEWICK et al.) 26 February 2004 Figures 1-3	1-35
P, X	WO 2004030736 A1 (FISHER & PAYKEL HEALTHCARE LTD) 15 April 2004 Figures 1-2; Page 3 Lines 10-14	1-35
A	EP 1020201 A2 (RESMED LIMITED) 19 July 2000 Figure 2	1
A	EP 1293227 A1 (FISHER & PAYKEL HEALTHCARE LIMITED) 19 March 2003 Figure 5	1
P, A	US 2004/0035428 A1 (OLSEN et al.) 26 February 2004 Whole Document	
P, A	US 2004/0083534 A1 (RUIZ et al.) 6 May 2004 Whole Document	

his Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
EP	1020201	AU	10024/00	CA	2295457
		US	6422238	JP	2000254229
EP	1293227	CA	2398560	NZ	513658
US	2004035428	AU	51876/01	US	2003051732
		BR	0212453	AU	67947/01
		CA	2370995	CA	2350356
		CA	2457277	CA	2413938
		EP	1289590	EP	1163924
		EP	1425060	EP	1306098
		NZ	508219	JP	2002095751
		US	2002014241	JP	2002028240
		US	2003066531	NZ	514972
		US	2003154978	US	514972
		US	2004065327	US	2003000533
		WO	03030978	US	2003089373
				US	2003196659
				WO	0195965
				WO	03022341
US	2004083534	WO	2004041325		
US	5662101	AU	11298/97	EP	0874667
		WO	9720597	EP	1234593
WO	9848878	DE	19817332	EP	1015055
WO	9824499	AU	46836/97	AU	51114/98
US	5662101	AU	11298/97	US	6044844
		WO	9720597	EP	1234593
WO	8203548	AU	83901/82	EP	0088761
US	2002026934	US	2004079375	US	4944310
AU	7188200	AU	71882/00		
US	2004035427	WO	2004018014		
WO	2004030736				
US	2004035428	AU	51876/01	AU	51877/01
		BR	0212453	AU	67947/01
		CA	2370995	CA	2350356
		CA	2457277	CA	2413938
				EP	1163924

Information on patent family members

PCT/NZ2004/000246

EP 1289590	EP 1302212	EP 1306098
EP 1425060	JP 2002028240	JP 2002095751
NZ 508219	NZ 514972	US 2002005201
US 2002014241	US 2003000533	US 2003062048
US 2003066531	US 2003089373	US 2003111080
US 2003154978	US 2003196659	US 2003217746
US 2004065327	WO 0195965	WO 03022341
WO 03030978		

US 2004083534 WO 2004041325

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX